

PATENT

Serial No. 10/087,974

Amendment in Reply to Final Office Action of September 26, 2005

IN THE DRAWING

Please replace FIGs 1-2 with the enclosed replacement FIGs 1-2.

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REMARKS

Reconsideration of the present application as amended is respectfully requested.

In the Office Action, the Examiner objected to the drawings because certain connections between boxes in FIGs 1-2 do not show a direction of flow. In response, flow directions have been added between the boxes noted by the Examiner in FIGs 1-2, as well as other boxes. In particular, FIG 1 has been amended to show a bi-directional flow between items 12 and 14, as well as between items 10 and 16, and items 16 and 18. Further, FIG 2 has been amended to show directions of flow from box 202 to box 203 and back to box 202, as well as from box 211 to box 212, and from box 242 to boxes 243 and 244. A replacement sheet including FIGs 1-2 is enclosed. Applicants respectfully request withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

In the Office Action, claims 1 and 3 were rejected under 35 U.S.C. §112, second paragraph. The following is recited o page 3, second paragraph of item 4:

Claims 1 and 3 recites the limitation "the acceptance server" in "said acceptance server". Additionally, claim 1 also recites the limitation "the server component" in "said server component". There

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is insufficient antecedent basis for this limitation in the claim.

It is respectfully submitted that this rejection to claims 1 and 3 is not understood. As best understood, it is respectfully submitted that "an acceptance server" is recited in the first instance in claim 1, line 7, and claim 3, line 5; and subsequent recitations in claims 1 and 3 include "the acceptance server" and/or "said acceptance server." Thus, it is respectfully submitted that there is sufficient antecedent basis for "the acceptance server" and/or "said acceptance server" in claims 1 and 3. As to the rejection to claim 1 related to "the server component" in "said server component," it is respectfully submitted that no such recitation is included in claim 1. Clarification or withdrawal the rejections to claims 1 and 3 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1-14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,697,948 B1 (Rabin). Applicants respectfully traverse this rejection submit that claims 1-14 are patentable over Rabin for at least the following reasons, as well as the reasons noted in the Amendment mailed on August 16, 2005, in response to the Office Action of May

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25, 2005, which is incorporated herein by reference.

Rabin is directed to a method and apparatus for enabling owners and vendors of software products to protect property rights of their software. Rabin has nothing to do, and is not concerned with, interoperability of devices. Rather, the Rabin system interacts with a monitoring program running on the user's device to ensure that no unauthorized use takes place. As shown in steps 419 and 420 of FIG 13A, Rabin is concerned with punitive action if software is detected that infringes intellectual property rights.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 3-4 and 11, requires "verifying with said acceptance server using said information whether the configuration meets a criterion of interoperability" (emphasis added).

In the "Response to Arguments" item 7, pages 10-11, of the Final Office Action, column 60, lines 30-42 of Rabin is cited. Page 11 of the Final Office Action characterizes this cited section of Rabin as follows:

Rabin also discloses verifying the hash function before updating the tag table and the supervising program takes punitive action if it fails. In this manner Rabin uses the current invention to

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detect ... [that the] device and software is ...  
[interoperable] and hence, maintains the  
criterion of interoperability.

Applicants respectfully disagree with the above characterization of column 60, lines 30-42 of Rabin. This cited section of Rabin simply does not teach or suggest, and is not even concerned with, meeting any criterion of interoperability, as recited in independent claims 1, 3-4 and 11. Rather, the cited section of Rabin is concerned with detecting "device or software tampering." (See column, 60, line 42, emphasis added)

It is respectfully submitted that tampering is not related to interoperability. A device or software can be tampered and still meet criterion of interoperability. Rabin is concerned with preventing tampering so as to prevent unauthorized us, such as copying a software program, or using an illegal copy of the software program. The intent of Rabin is to detect and prevent tampering and piracy. (See column 60, lines 22 and 51) Detecting and preventing tampering and piracy is different from the present invention as recited in independent claims 1, 3-4 and 11.

It is respectfully submitted that the above cited section of Rabin, as well as other sections cited to allegedly show 'meeting a

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criterion of interoperability', such as column 3, lines 55-59 (cited on page 4 of the Final Office Action), column 27, lines 30-32 (cited on page 6 of the Final Office Action), and column 3, lines 47-53 (cited on page 9 of the Final Office Action), do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 3-4 and 11, where amongst other patentable elements, requires "verifying with said acceptance server using said information whether the configuration meets a criterion of interoperability" (emphasis added) using information about a new system component and the configuration of the existing system, where the information is sent to an acceptance server, which in turn returns an acceptance signal upon such verification of interoperability.

Accordingly, Applicants respectfully submit that the Examiner has failed to present a *prima facie* case of obviousness. Further, it is respectfully submitted that independent claims 1, 3-4 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 5-10 and 12-14 should also be allowed at least based on dependence from independent claims 1, 3-4 and 11, as well as for

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the separately patentable elements contained in each of the dependent claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Applicants reserve the right to submit further arguments in support of the above stated position as well as the right to introduce relevant secondary considerations including long-felt but unresolved needs in the industry, failed attempts by others to invent the invention, and the like, should that become necessary. In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By   
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Enclosure: Replacement drawing sheet (1 sheet with FIGs 1-2)  
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